**HIGH COURT OF UTTARANCHAL AT NAINITAL**

Criminal Misc. Case No. 973 of 2006

1. Ravindra Kumar s/o Sri Sannavar
2. Pradeep Kumar s/o Sri Om Prakash
   Both residents of Goal Bhatta, Village Dandera
   P.S. Kotwali, Roorkee, District Haridwar
3. Prakash Chandra s/o Sri Shyam Lal
   Mohalla Ratan ka Purva, Mohanpur Mohammadpur
   P.S. Kotwali, Roorkee, District Haridwar
4. Chandra Pal Singh s/o Sri Parsanda
   Mohalla Goal Bhatta, village Dandera
   P.S. Kotwali, Roorkee, District Haridwar

..... Petitioners

Versus

State of Uttaranchal ..... Respondent

Dated: 30.11.2006

**Hon'ble Rajesh Tandon, J.**

Heard Sri Lok Pal Singh counsel for the petitioners, learned A.G.A. for respondents.

By the present application under section 482 Cr.P.C., the applicants have prayed for quashing the proceedings in Criminal case No. 2989 of 2006, State vs. Harpal Sathi and others under sections 147, 341 I.P.C. and Section 7 Criminal Law Amendment Act.

Counsel for the applicants have submitted that the F.I.R. is silent about the participation of the applicants in the alleged crime. Paragraphs 6,7 and 8 of the application, the following averments have been made:

6. *That the applicants are the villagers and they have not committed the alleged offence but while submitting the charge sheet the parentage of applicant nos. 2, 3 and 4 have been mentioned in the charge sheet.*
7. *That a non bailable warrant was issued against some Ravindra Kumar son s/o Janwar r/o village Khanjarpur, P.S. Kotwali, Roorkee and Pradeep Kumar s/o Om Prakash and not against the applicant no. 1 and 2 but because as the Ravindera Kumar s/o Janwar r/o Khanjarpur and Pradeep Kumar s/o Om Prakash are not traveable at their residential addresses the Police is trying to arrest the petitioners/applicants in pursuance of non bailable warrant issued against the aforesaid persons. The applicant nos. 1 and 2 never resided in Khanjarpur nor they have any place of resident in Khanjarpur but the police is trying to arrest and execute the non bailable warrants against the applicant nos. 1 and 2 in the aforesaid case. The copies of Rashan card and Identity Card of the applicant nos. 1 and 2 is being filed herewith and marked as Annexure No. 3 collectively to this affidavit.*
8. *That the applicant no. 3 is the resident of Mohalla Ratan Ka Pura and the applicant no.4 is the R/o Mohalla Goal Bhatta, village Dhandera and they are not the resident of Lalkurti, P.S. Kotwali, Roorkee District Haridwar but as the name and parentage are common as shown in the charge sheet the police authorities are trying to arrest the applicant nos 3*

*and 4 in pursuance of non bailable warrants issued against some Prakash Thekedar s/o Shyam Lal r/o Lalkurti and Chandra Pal Suaudai s/o Parsanda r/o Lalkurti. However, the applicant no. 3 and 4 are not the same persons as mentioned in the charge sheet. The copies of Identity Card and rashan Card of applicant nos.3 and 4 is being annexed herewith and marked as Annexure No. 4 to this affidavit.*

In view of the aforesaid averments, it has been stated by the counsel of the petitioners that Investigation Officer has neither conducted any inquiry nor recorded any statement. He is trying to arrest the applicants when in fact the applicants have not committed any such offence.

In view of the aforesaid the Judicial Magistrate, Roorkee is directed to verify the averments mentioned in paragraphs 6,7 and 8 of the petition under section 482 Cr.P.C. against the petitioners and if required make a further investigation in the matter.

However, till investigation is completed so far as involvement of the petitioners are concerned, no coercive method shall be taken against the applicants.

Subject to the observations made above, application under Section 482 Cr.P.C. is disposed of.

**(Rajesh Tandon, J.)**

Dated: 30.11.2006

*Dhyani